

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER III. AIR RESOURCES
SUBCHAPTER A. PREVENTION AND CONTROL OF AIR CONTAMINATION AND AIR POLLUTION
PART 248. USE OF ULTRA LOW SULFUR DIESEL FUEL AND BEST AVAILABLE RETROFIT
TECHNOLOGY FOR HEAVY DUTY VEHICLES
SUBPART 248-6. REPORTING REQUIREMENTS

Current through October 4, 2010

* Section 248-6.1.* Reporting Requirements.

(a) On or before November 1, 2008 and every year thereafter, regulated entities subject to the requirements of this Part shall report to the department on the use of ULSD and BART as described in subdivision (b) of this section for all vehicles, including covered vehicles operated on behalf of regulated entities. Contractors shall report required information as described in subdivision (b) of this section to the regulated entity on a schedule to be determined by the regulated entity.

(b) Regulated entity reporting.

(1) Regulated entities shall report to the department on an annual basis. The regulated entity shall perform a HDV inventory to be submitted with the annual report. An inventory format will be prescribed by the department. The inventory shall be performed within 30 days after the effective date of this Part and updated in order to determine compliance with the BART requirements of section 248-3.1(e) of this Part. Based on the information contained in the inventory, the regulated entity shall submit the first annual report to the department by November 1, 2008. Thereafter, and based on updated inventory information, annual reports shall be submitted to the department by November 1st of each year. The annual report shall distinguish between the regulated entity vehicles and the contractor vehicles. The information contained in the annual report submitted by the regulated entity shall include, but not be limited to:

(i) contact information:

(a) for the regulated entity, include the name of the regulated entity, contact person and work phone number;

(b) for the contractor, include the name of the contractor, contact person and work phone number;

(ii) for the regulated entity vehicles and certain contractor vehicles. For vehicles owned or operated by contractors, the following only applies to covered vehicles that perform work on the contract site:

(a) the number of diesel fuel-powered motor vehicles owned or operated;

(b) the number of such motor vehicles that were powered by ULSD;

(c) the total number of on road diesel fuel-powered motor vehicles owned or operated having a GVWR of more than 8,500 pounds;

(d) the total number of off road vehicles owned or operated;

(e) the number of such on road and off road vehicles that utilized BART, including a breakdown by BART installation date, vehicle model, VIN (if applicable), engine year and the type and classification level of technology used for each vehicle including the CARB designated diesel emission control strategy family name, if applicable;

(f) the number of such motor vehicles that have been replaced/repowered with an engine certified to the applicable 2007 USEPA standard for particulate matter as set forth in section 86.007-11 of title 40 of the Code of Federal Regulations (see Table 1, section 200.9 of this Title) or to any subsequent USEPA standard for particulate matter that is at least as stringent;

(g) the number of such vehicles that have been replaced with alternative fuel vehicles;

(h) the number of inventoried HDVs retired;

(i) identification of all ULSD waivers, findings, and renewals of such findings, which, for each waiver, shall include, but not be limited to, the quantity of diesel fuel needed to power diesel fuel-powered motor vehicles owned or operated by such regulated entity; and specific information concerning the availability of ULSD;

(j) the identification of BART waivers issued by the department to the regulated entity and contractor;

(k) the quantity of ULSD used;

(l) a statement of compliance indicating the percent of inventoried HDVs with option 1 or option 2 technologies installed by the indicated compliance dates so as to determine compliance with section 248-3.1(e) of this Part requirements; and

(m) any other such information or report format that the department deems necessary.